

SPECIAL ADDENDUM TO THE RULES ON CONDUCTING REMOTE ORAL HEARINGS

Sec. 1

Introduction

(1) The "Special Addendum to the Rules on Conducting Remote Oral Hearings" (hereinafter referred to as „**Special Addendum**") regulates the conduct of oral hearings commenced remotely by means of technical equipment (hereinafter referred to as „**remote oral hearing**") as part of the arbitration proceedings and deciding of disputes before the Arbitration Court attached to the Czech Chamber of Commerce and the Agrarian Chamber of the Czech Republic (hereinafter referred to as „**the Arbitration Court**").

(2) The Special Addendum is an integral part of the Rules of the Arbitration Court as amended (hereinafter referred to as „**the Rules**").

(3) Unless otherwise explicitly stated in the Special Addendum, the relevant provisions of the Rules shall apply to remote oral hearings as appropriate.

Sec. 2

Consent to conduct remote oral hearing

(1) The arbitral tribunal decides whether a remote oral hearing will be conducted in accordance with Section 28a of the Rules at any time during the arbitration proceeding.

(2) A party's consent to conduct a remote oral hearing under Section 28a shall be valid for the entire duration of the arbitration proceeding in which the consent was given.

(3) Oral hearings may be converted into remote oral hearings, and vice versa; however, the deadlines established for sending the summons for either an oral or remote oral hearing must be maintained.

(4) A party's consent to conduct a remote oral hearing may be withdrawn for important reasons, but in no event later than 3 days prior to the remote oral hearing. The arbitral tribunal shall decide on the admissibility of the withdrawal of consent.

(5) A party's consent to conduct a remote oral hearing expressed in an arbitration clause or other written agreement of the parties cannot be revoked unilaterally.

(6) The arbitral tribunal is obliged to follow the parties' agreement regarding the conduct of remote oral hearings, unless technical reasons, the protection of the equality of the parties in the proceeding, or other important reasons prevent it. The final decision rests with the arbitral tribunal.

Sec. 3

Nature of remote oral hearing

(1) Remote oral proceeding is understood to be a proceeding in which

(a) all parties to the proceedings and the arbitral tribunal are present at the hearing simultaneously only through technical means, which allow the parties to continuously respond to the course of the hearing, present statements, and answer questions asked by the arbitral tribunal (hereinafter referred to as "technical means"); for this case, consent is required pursuant to Section 28a of the Rules,

(b) the entire arbitral tribunal is present in person, and all parties to the proceedings are present at the hearing simultaneously only through technical means; for this case, consent is required pursuant to Section 28a of the Rules,

(c) only some of the parties or only some members of the arbitral tribunal are present in person, while the remaining individuals are present solely through technical means; in this case, such a remote oral hearing may be conducted beyond the consent required under Section 28a of the Rules only with the express consent of all parties and all members of the arbitral tribunal; however, express consent is not required

from a party that does not participate in the remote oral hearing at all, provided that their consent under Section 28a of the Rules has been given.

(2) If a remote oral hearing is conducted via a technical platform that allows video transmission, all participants are required to enable the video transmission. An exception may be granted by the arbitral tribunal.

Sec. 4

Ordering of remote oral hearing

(1) The Arbitration Court shall notify the parties of the time of the remote oral hearing by sending them a summons, which will be provided with sufficient notice to allow each party at least 10 days to prepare for the hearing. This period may only be shortened with the consent of the parties.

(2) The technical details necessary for connecting the parties to the remote oral hearing must be provided to the parties simultaneously with the notification referred to in paragraph (1).

(3) In the event of a change in the technical platforms or technical conditions pursuant to Section 5, paragraph (2) that affects remote oral hearings already scheduled, the parties must be informed of such a change. The remote oral hearing may only take place if the deadline specified in paragraph (1) is observed from the notification of such a change, or if the parties consent to a shortening of the deadline.

Sec. 5

Technical arrangements for remote oral hearing

(1) The technical arrangements for conducting the remote oral hearing are provided by the Arbitration Court.

(2) The technical platforms that may be used for conducting a remote oral hearing are determined by the Arbitration Court, as well as the technical conditions for conducting the remote oral hearing resulting from the conditions of each platform. The Arbitration Court is authorized to change the list of technical platforms and the technical conditions at any time, even without prior notice.

(3) The use of technical platforms other than those supported under paragraph (2) is only possible upon the request of one of the parties. The arbitral tribunal shall decide on the request; the request shall not be granted if it would result in unequal treatment of the parties or if all parties would not be provided with the same opportunity to exercise their rights.

(4) The costs of the remote oral hearing conducted through platforms supported under paragraph (2) shall be borne by the Arbitration Court. Each party shall bear the costs of its own participation in the remote oral hearing, mainly the costs for the technical equipment used for data, voice, or video transmission, as well as the costs for the technical equipment and electronic communication networks used for such transmission.

(5) The costs of the remote oral hearing conducted through the platforms referred to in paragraph (3) shall be borne by the party or parties who requested the use of such a technical platform. These costs are considered special costs under Section 45, paragraph (6) of the Rules.

(6) The Arbitration Court does not provide any guarantees regarding third-party software (technical platform) for conducting the remote oral hearing. It is the parties' responsibility to ensure proper connection to the relevant technical platform for conducting the remote oral hearing.

Sec. 6

Taking of evidence in remote oral hearing

(1) The arbitral tribunal shall decide on the method of taking of evidence during the remote oral hearing.

(2) If written evidence is to be presented during the remote oral hearing, it will be ensured that the written evidence is simultaneously added to the case file of the Arbitration Court and provided to the other parties in a manner that will ensure the relevant copy of the evidence remains accessible to both the Arbitration Court and the other parties after the remote oral hearing is concluded.

(3) The hearing of a witness, expert, or other persons may be conducted during the remote oral hearing based on the decision of the arbitral tribunal.

Sec. 7

Record of the remote oral hearing

(1) The record of the remote oral hearing is ensured by the Arbitration Court. After the conclusion of the hearing, the record is sent to the parties, who have the right to raise objections to the content of the record within 3 days. The arbitral tribunal shall decide on the objections.

(2) An audio or audio-visual recording of the remote oral hearing or any part thereof may only be made with the consent of the arbitral tribunal and all parties. The proceeding is recorded and the recording is made accessible to the parties by the arbitral tribunal. The parties are not authorized to record the proceeding.

(3) In the case the remote oral hearing is held outside the regular working hours of the Arbitration Court, the increased costs of the record shall be borne by the party or parties who requested that the oral hearing be held online outside the regular working hours of the Arbitration Court. These costs are considered special costs under Section 45, paragraph (6) of the Rules.

(4) The increased costs for audio or audio-visual recording of the remote oral hearing, or the costs for continuous transcription of spoken words, shall be borne by the party or parties who requested such a recording or transcription. These costs are considered special costs under Section 45, paragraph (6) of the Rules.

Sec. 8

Entry into force of this special addendum

(1) The Special Addendum comes into effect on 1 December 2020.

(2) The Special Addendum was published in the Commercial Bulletin on 30 October 2020.

(3) The Special Addendum applies to all procedures before the Arbitration Court, including the procedures commenced before the effective date of the Special Addendum, unless the parties agree in writing to exclude the applicability of this Special Addendum.